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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,735	11/04/2003	Toshihide Maeda	500.43259X00	6437

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MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.  
1800 DIAGONAL ROAD  
SUITE 370  
ALEXANDRIA, VA 22314

EXAMINER

ZEWARI, SAYED T

ART UNIT	PAPER NUMBER
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2687

DATE MAILED: 12/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/699,735	<b>Applicant(s)</b> MAEDA ET AL.	
	<b>Examiner</b> Sayed T. Zewari	<b>Art Unit</b> 2687	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3 and 4 is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 5 is/are rejected.
- 7) ☒ Claim(s) 2 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Objections***

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: "A Mobile Communication Terminal And A Method Of Determining Location Of The Terminal And A Method Of Selecting A Wireless Communication Link".

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The expression "the positioning result after switching is displayed as the chart before switching" in claim 2 is not clear and it renders the claim indefinite. Appropriate correction is required. For examination purpose, the examiner considers the expression to mean "the positioning result is displayed as a chart after switching".

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 5 is rejected under 35 U.S.C. 102(b) as being anticipated by Kennedy III et al. (5,966,658).

With respect to claim 5, Kennedy discloses a method of selecting a wireless communication link for mobile communication (See Kennedy col.1 lines 41-57). Kennedy discloses that a location of a mobile is specified based on an electric wave received from a satellite directly or via at least one relay unit (See col.3 lines 26-45, lines 55-63). Kennedy discloses that this method is comprised of selecting the wireless communication link in such a way that a number of intervening relay units is reduced (See col.2, lines 19-21). Kennedy discloses that this method is further comprised of performing positioning based on selected three, four, or more electric waves (See col.3 lines 26-45, lines 55-63, col.6 lines 21-24, 31-50).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ciganer et al. (US 6, 564,064 B1) in view of Kawamoto (US 6,907,255 B2) and further in view of Grube et al. (US 2003/0,100,326 A1).

With respect to claim 1, Ciganer discloses a mobile communication terminal comprising a positioning unit (See abstract, figure 2(30), col.3 lines 59-67, col.4 lines 1-5, col.6 lines) that performs positioning by receiving three or more electric waves output from a plurality of types of information source (See abstract, figure 1, col.3 lines 24-49). Ciganer discloses a display, and a controller that controls the display (See figure 2(90), figure 2(42), col.5, lines 54-61, col.9, lines 5-9). However, Ciganer does not specifically disclose a display wherein a chart indicating the position result is displayed. But Kawamoto discloses a display wherein a chart indicating the position result is displayed (See Kawamoto figure 7, 8, col.1 lines 46-67, col.2, lines 1-6, col.10 lines 49-65). However, Kawamoto does not specifically disclose that the types of information sources and number of electric waves received from the information sources are displayed. But Grube discloses a terminal wherein the types of information sources from which the electric waves are received are displayed, and number of electric waves received from

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the information sources are displayed (See Grube figure 2, section [0030], the types of information sources is and the number information source are displayed on the map as icons). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention disclosed by Ciganer and include software function to display location information on display unit, as disclosed by Kawamoto, and further include in it software and hardware facilities, as disclosed by Grube, to improve the capabilities of a mobile communication terminal to find its location (See section [0008]).

With respect to claim 2, Ciganer, Kawamoto and Grube disclose all the limitations of claim 1. Grube further discloses that when the information source is switched, said controller controls the display in such a way that the positioning result is displayed as a chart after switching (See Grube figure 1(118, 124), figure 2, section [0030]. Grube discusses that when the information source changes the result of the change appears on display accordingly. See sections [0028], and [0029])

***Allowable Subject Matter***

Claim 3 and 4 are allowed.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Mizune et al. (US 2003/0,013,461) discloses a mobile telephone device that has a location detector.

Reudink et al. (US 6,236,849) discloses a system and method of determining a mobile station's position using directable beams.

Cobb (US 5,771,001) discloses a personal alarm system for detecting whether a person is in an emergency situation by measuring blood pressure, pulse, and temperature, and thereafter transmitting such information and location through cellular relay stations to a home receiver.

Tanaka (US 6,819,919) discloses a method for providing matching and introduction services to proximate mobile users and service providers.

Gray et al. (US 6,674,403) discloses a position detection and location tracking in a wireless network.

Kowaguchi (US 6,201,973) discloses a mobile communication apparatus with a location calculator which calculates a location of the mobile communication apparatus based on three radio control signals each received from a different base station.

Odashima et al. (US 2002/ 0,022,489) discloses a wireless terminal for mobile unit.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sayed T. Zewari whose telephone number is 571-272-6851. The examiner can normally be reached on 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester G. Kincaid can be reached on 571-272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sayed T. Zewari

December 9, 2005

  
**NICK CORSARO**  
**PRIMARY EXAMINER**